

Service Date: August 19, 2005

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF MOUNTAIN WATER CO.,) UTILITY DIVISION
Application to Increase Rates and Charges for)
Water Service to its Missoula, Montana, Customers) DOCKET NO. D2005.4.49
) ORDER NO. 6644a

IN THE MATTER OF MOUNTAIN WATER CO.,) UTILITY DIVISION
Application to Increase Rates and Charges for)
Water Service to its Missoula, Montana, Customers) DOCKET NO. D2004.9.145
) ORDER NO. 6650a

PROTECTIVE ORDER

On July 15, 2005, Mountain Water Company (MWC) filed before the Public Service Commission (PSC) a motion for protective order to govern certain information expected to be filed in one or both of the above-entitled proceedings. MWC requests protection of information relating to MWC (and parent Park Water Company) tax returns and employee salaries. On August 5, 2005, intervenor City of Missoula (City) filed an objection to MWC's request for the protection of employee salary information.

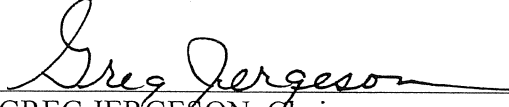
The PSC determines MWC has shown good and sufficient cause in fact and law that the information for which protection is requested is entitled to protection from uncontrolled public disclosure. MWC tax return information is private pursuant to § 15-31-511(1), MCA. Employee salaries are private pursuant to Art. II, Sec.10, Montana Constitution, 43 A.G. Op. 25, and *Montana Health Care Association v. State Fund*, 256 Mont 146, 152, 845 P.2d 113, ____ (1992). The PSC does not agree with the City that MWC's employees are the equivalent of public employees, whose salaries are not private, or that disclosure of the salary information without specifically naming the employee would provide adequate protection. The PSC determines that there is an expectation of salary-related privacy in MWC employees, as that expectation has been stated by the employees, through MWC. The City has demonstrated no compelling interest that


would tend to demonstrate society would not recognize the MWC employees' expectation as being reasonable.

The PSC grants MWC's request for a protective order and hereby orders that information submitted in accordance with this order be treated as "confidential information" under the terms of this order and PSC protective order rules, ARM 38.2.5001 through 38.2.5030.

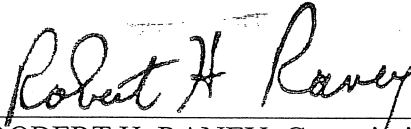
Done and dated this 16th day of August, 2005, by a vote of 5-0.


BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION


GREG JERGESON, Chairman



BRAD MOLNAR, Vice-Chairman


DOUG MOOD, Commissioner


ROBERT H. RANEY, Commissioner


THOMAS J. SCHNEIDER, Commissioner

ATTEST:


Connie Jones
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.